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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 **STATE OF ARIZONA**, *ex rel.* KRIS
14 MAYES, ATTORNEY GENERAL;

15 **THE PEOPLE OF THE STATE OF**
16 **CALIFORNIA;**

17 **STATE OF COLORADO**, *ex rel.* PHILIP J.
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18 **STATE OF CONNECTICUT;**

19 **STATE OF DELAWARE**, *ex rel.*
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21 **STATE OF GEORGIA** *ex rel.*
22 CHRISTOPHER M. CARR, ATTORNEY
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23 **STATE OF HAWAI'I**, *ex rel.* ANNE E.
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25 **STATE OF IDAHO**, through ATTORNEY
26 GENERAL RAÚL R. LABRADOR;

27 **THE PEOPLE OF THE STATE OF**
ILLINOIS;

28 **STATE OF INDIANA;**

Case No. 4:23-cv-05448-YGR

Hon. Yvonne Gonzalez Rogers

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO DETERMINE WHETHER
DEFENDANT META PLATFORMS,
INC.'S MATERIALS SHOULD BE
SEALED**

1 **STATE OF KANSAS**, *ex rel.* KRIS W.
2 KOBACH, Attorney General;
3 **THE COMMONWEALTH OF**
4 **KENTUCKY**;
5 **STATE OF LOUISIANA**;
6 **STATE OF MAINE**;
7 **OFFICE OF THE ATTORNEY GENERAL**
8 **OF MARYLAND**;
9 **STATE OF MICHIGAN** *ex rel.* DANA
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11 **STATE OF MINNESOTA**, by its
12 ATTORNEY GENERAL, KEITH ELLISON;
13 **STATE OF MISSOURI**, *ex rel.* ANDREW
14 BAILEY, ATTORNEY GENERAL;
15 **STATE OF NEBRASKA** *ex rel.* MICHAEL
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19 **JERSEY**, AND **CARI FAIS**, ACTING
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21 **DIVISION OF CONSUMER AFFAIRS**;
22 **THE PEOPLE OF THE STATE OF NEW**
23 **YORK**, by LETITIA JAMES, ATTORNEY
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25 YORK;
26 **STATE OF NORTH CAROLINA**, *ex rel.*
27 JOSHUA H. STEIN, ATTORNEY
28 GENERAL;
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STATE OF WEST VIRGINIA, *ex rel.*
PATRICK MORRISEY, ATTORNEY
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STATE OF WISCONSIN,

Plaintiffs,

v.

META PLATFORMS, INC.;

INSTAGRAM, LLC;

META PAYMENTS, INC.; and

**META PLATFORMS TECHNOLOGIES,
LLC,**

Defendants.

Under Civil Local Rules 7-11 and 79-5(f), Plaintiffs Arizona; the People of the State of California (“California”); Colorado; Connecticut; Delaware; Georgia; Hawai‘i; Idaho; the People of the State of Illinois, by and through Attorney General Kwame Raoul; Indiana; Kansas; Kentucky; Louisiana; Maine; Office of the Attorney General of Maryland; Michigan; State of Minnesota, by its Attorney General, Keith Ellison; Missouri; Nebraska; Matthew J. Platkin,

1 Attorney General for the State of New Jersey, and Cari Fais, Acting Director of the New Jersey
2 Division of Consumer Affairs; New York; North Carolina; North Dakota, ex rel. Drew H.
3 Wrigley, Attorney General; Ohio; Oregon; Pennsylvania; Rhode Island; South Carolina; South
4 Dakota; Virginia; Washington; West Virginia; and Wisconsin (collectively, “Filing States”)
5 submit this administrative motion to consider whether materials designated as confidential by
6 Defendant Meta Platforms, Inc. (“Meta”) should be sealed, specifically certain allegations
7 included in the Filing States’ complaint [Dkt. No. 1], identified in Exhibit A.

8 The Filing States’ complaint contains and refers to materials produced by Meta during the
9 course of the Filing States’ investigation and designated by Meta as “Confidential.” The Filing
10 States have agreed to file their complaint against Meta conditionally under seal, to the extent
11 allowed by the Local Rules. The portions of the Complaint that contain materials or references to
12 materials that Meta has designated as “Confidential” are identified in the table in Exhibit A.

13 Therefore, in accordance Civil Local Rule 79-5(f), the Filing States move the Court to
14 determine whether the portions of the Complaint designated in Exhibit A should be sealed. Meta
15 solely bears the burden of establishing that any or all of the referenced material is sealable. The
16 Filing States take no position at this time on whether, and do not concede that, any of the
17 referenced material satisfies the requirements for filing under seal.

18 As required by Civil Local Rule 79-5(f), the Filing States have filed a redacted version of
19 the complaint on the public docket. An unredacted version containing highlighting where
20 redactions were made in the redacted version of the complaint is attached as Exhibit B and
21 provisionally filed under seal. In support of this motion, the Filing States include the Declaration
22 of Bernard A. Eskandari, counsel to California.

23 Finally, under the Local Rules, a motion for an order for Administrative Relief must
24 include, among other things, a proposed order (concurrently filed with this motion) and either a
25 stipulation under Civil Local Rule 7-12 or a declaration that explains why a stipulation could not
26 be obtained. In this case, this motion is being filed contemporaneously with the opening of this
27 case and the filing of the Filing States’ complaint. Accordingly, Meta (and other Defendants) had
28 yet to appear when the Filing States filed their conditionally redacted complaint, and therefore

counsel was unable to confer with Defendants to obtain a stipulation. Counsel to California concurrently files his declaration attesting to these facts in support of this motion. Further, because Meta (nor any Defendant) has yet to appear, the Filing States will serve this motion and related documents on Defendants consistent with Rule 4 of the Federal Rules of Civil Procedure and file a separate proof of service upon doing so.

Dated: October 24, 2023

Respectfully submitted,

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